

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

NORTH FORK BANK and SMS  
FINANCIAL CAP LLC,

Plaintiffs,

v.

LFS MARINE HOLDINGS LLC and  
LATRELL F. SPREWELL,

Defendants.

Case No. 07-CV-699-JPS

**ORDER**

Judgment was entered in this case on December 16, 2008 in favor of North Fork Bank ("NFB"). (Docket #39). In October 2013, NFB assigned its interest in the judgment to SMS Financial CAP LLC ("SMS"). (Docket #40). On January 4, 2019, SMS filed a motion seeking to be substituted as the sole plaintiff in this action, and to renew the as-yet unsatisfied judgment, pursuant to Federal Rule of Civil Procedure 69 and Wis. Stat. § 806.15. (Docket #41). Defendants have not responded to the motion and the time in which to do so has expired. Civ. L. R. 7(b). The Court will, therefore, grant SMS the relief it seeks. Wis. Stat. § 806.23; *Anderson v. Kojo*, 327 N.W.2d 195, 196 (Wis. Ct. App. 1982).

Accordingly,

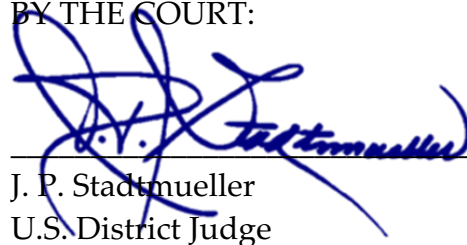
**IT IS ORDERED** that SMS Financial CAP LLC's motion to substitute and renew judgment (Docket #41) be and the same is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that SMS Financial CAP LLC be substituted as the plaintiff in this action for North Fork Bank; and

**IT IS FURTHER ORDERED** that the judgment entered in this matter on December 16, 2008 shall be renewed as of December 16, 2018, and that SMS Financial CAP LLC is granted leave to bring an action on said judgment, preserving SMS Financial CAP LLC's lien rights and right to execution issued on the judgment.

Dated at Milwaukee, Wisconsin, this 21st day of February, 2019.

BY THE COURT:



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J. P. Stadtmueller  
U.S. District Judge